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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,854	06/24/2003	Spyros Agathos	942218	8128
33798	7590	06/10/2004	EXAMINER WELCH, GARY L	
ANISSIMOFF & ASSOCIATES RICHMOND NORTH OFFICE CENTRE SUITE 201 235 NORTH CENTRE RD. LONDON, ON N5X 4E7 CANADA			ART UNIT 3765	PAPER NUMBER
DATE MAILED: 06/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

10/601,854

Applicant(s)

AGATHOS ET AL.

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 16-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 5, 15 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06242003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

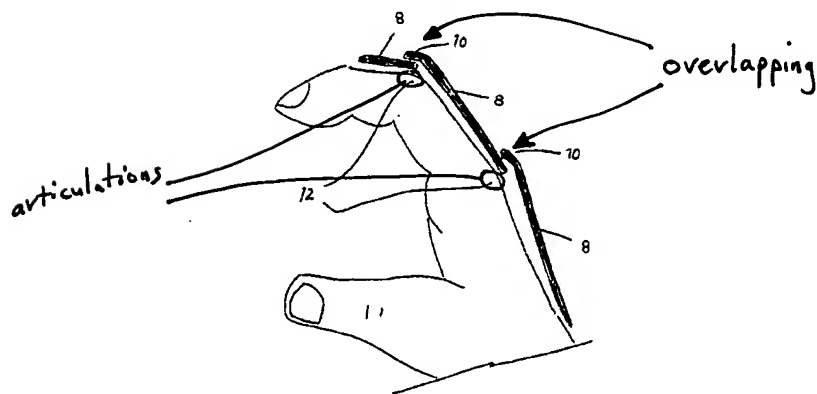
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 8, 11, 16, 17 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Mancini (UK Patent Application GB 2,378,890).

Mancini discloses a split-fingered hockey glove having a hand receiving portion and one or more padded finger sections extending from the hand receiving portion wherein one or more finger sections have one or more flexible articulations at a back thereof and a shield 8 positioned over the one or more flexible articulations to protect the finger joints. The shield 8 is engaged with and slidably constrained by the finger-receiving portion. The shield 8 slides in response to the curling and uncurling of the hand. Note: The shield 8 slides rotatably about a hinge 10 (just like a door hinge) but the sliding is not linearly.

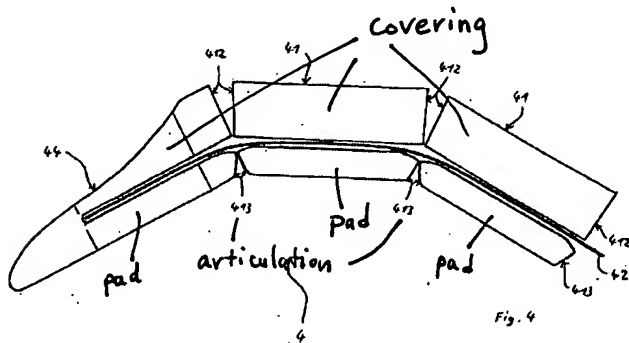


With regard to claim 8, there are two overlapping shields per articulation (see figure above).

With regard to claims 11, 16, 17 and 22, the invention is disclosed above.

3. Claims 1-4, 6, 9-14 and 17-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Fleischmann (WO 01/64295).

Fleischmann discloses a split-fingered hockey glove 1 having a hand receiving portion and one or more padded finger sections extending from the hand receiving portion wherein one or more finger sections have one or more flexible articulations at a back thereof and a shield 42 positioned over the one or more flexible articulations to protect the finger joints. The shield 42 is engaged with and slidably constrained by the finger-receiving portion. The shield 42 slides in response to the curling and uncurling of the hand (see figure below).



With regard to claims 2, 12 and 18, the shield 42 slides between material that covers the glove and padding on the back of the finger-receiving portion.

With regard to claims 3, 13 and 19, the shield 42 slides within a sleeve of material formed into or onto material that covers the back of the finger-receiving portion.

With regard to claims 4, 14 and 20, the shield is secured on one side of the one or more flexible articulations.

With regard to claim 6, the one or more padded finger-receiving portions are four padded finger-receiving portions.

With regard to claim 9, there is one shield per finger receiving portion.

With regard to claim 10, the glove is a hockey glove.

With regard to claims 11 and 17, the invention is disclosed above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischmann (WO 01/64295).

Fleischmann discloses the invention substantially as claimed above.

However, Fleischmann does not disclose that there is one shield per articulation.

A review of the applicant's specification does not reveal the criticality for the claimed limitation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single shield of Fleischmann with one shield per articulation to better adapt to the curves of the individual's fingers.

Allowabl Subj ct Matter

6. Claims 5, 15 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

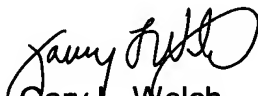
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Japanese Patent '9-262332 discloses a glove having shields positioned over the top of finger portions. Beland et al. '057 and Goldsmith et al. '117 disclose a hockey glove having thumb portions that protect the user's thumb from injury. Fernandez 'CH 686,653 discloses a glove having overlapping shields for protecting the articulation joints of a user's finger. Jansson et al. '572 disclose a hockey glove having a shield positioned above the articulation joint of a user's finger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw